

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED 11/17/09

CV SCHEEPVAARTONDERNEMING
HAPPY RANGER,

Plaintiff,

-against-

FRETRADE, LTD.,

Defendant.

**ORDER REGULATING
PROCEEDINGS**

09 Civ. 204 (AKH)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL ABILITY S.A.,

Plaintiff,

-against-

TINNA OILS & CHEMICALS LTD., TINNA
FINEX LTD., TINNA GROUP, TINNA AGRO
INDUSTRIES LTD., ADM INTEROCEANIC
LIMITED, ADM COCOA PTE. LTD and
ARCHER DANIELS MIDLAND SINGAPORE
PTE LTD,

Defendants.

07 Civ. 9913 (AKH)

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AMERICAS BULK TRANSPORT LTD,

Plaintiff,

-against-

IMT a/k/a IMT DUSSELDORT a/k/a IMT
SHIPPING & CHARTERING GmbH a/k/a INTER-
MARITIME TRANSPORTATION GmbH a/k/a
INTER-MARITIME TRANSPORTATION LTD.,

Defendant.

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08 Civ. 6970 (AKH)

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DAMPSKIBSSELSKABET NORDEN A/S,		:
		:
Plaintiff,		:
		:
-against-		:
		:
COMPANHIA SIDERURGICA NACIONAL,		:
		:
Defendant.		:
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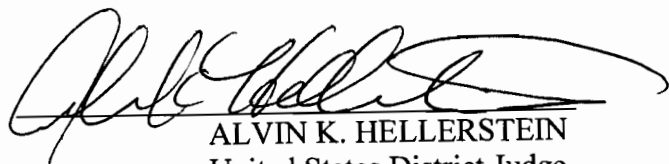
By Order dated November 9, 2009, I requested the parties to appoint lead counsel and propose an agenda for oral arguments addressing the effect, if any, of Shipping Corp.

of India v. Jaldhi, No. 08-3477-cv, 2009 U.S. App. LEXIS 22747 (2d Cir. Oct. 16, 2009) on pending maritime attachments. In response to my Order Regulating Proceedings, the parties submitted memoranda of law addressing a number of legal questions, including whether Shipping Corp. of India applies retroactively. Since that Order was issued, the United States Court of Appeals for the Second Circuit decided Hawknet, Ltd. v. Overseas Shipping Agencies, which held that Shipping Corp. of India applies retroactively because “a jurisdictional ruling may never be made prospective only.” No. 09-2128-cv, 2009 U.S. App. LEXIS 22747 (2d Cir. Nov. 13, 2009) (citing Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368, 379 (1981)).

In light of Hawknet, the parties shall brief whether there any grounds for a district court to give a “jurisdictional ruling” limited retroactive effect and whether any exceptions can be carved out to preserve an attachment for actively pursued arbitrations commenced pursuant to attachments, or to preserve an attachment pending execution for judgment on arbitration awards. Briefs shall be filed by Thursday, November 19, 2009 at 5:00 p.m.

SO ORDERED.

Dated: November 9, 2009
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge